

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HTTMT GROUP LLC, et al.,

Plaintiffs,

v.

ARLEN NESS ENTERPRISES, INC.,

Defendant.

Case No. 22-cv-01656-JST

SCHEDULING ORDER

The Court hereby sets the following case deadlines pursuant to Federal Rule of Civil Procedure 16 and Civil Local Rule 16-10:

| Event | Deadline |
|--|--------------------|
| Disclosure of asserted claims and infringement contentions | August 16, 2022 |
| Invalidity contentions | September 30, 2022 |
| Deadline to add parties or amend the pleadings ¹ | September 30, 2022 |
| Exchange of proposed terms for construction | October 14, 2022 |
| Exchange of preliminary claim constructions and extrinsic evidence | November 4, 2022 |
| Damages contentions | November 21, 2022 |
| Joint claim construction and prehearing statement and expert reports | November 29, 2022 |
| Response to damages contention | December 21, 2022 |

¹ After this deadline, a party may still seek amendment, but must demonstrate good cause. Fed. R. Civ. P. 16(b)(4).

| Event | Deadline |
|---|--------------------------------|
| Claim construction discovery cut-off | December 29, 2022 |
| Claim construction opening brief by Defendant | January 13, 2023 |
| Claim construction responsive brief by Plaintiffs | January 27, 2023 |
| Claim construction reply brief | February 3, 2023 |
| Tutorial | February 13, 2023 at 2:00 p.m. |
| Claim construction hearing | March 6, 2023 at 2:00 p.m. |

Counsel may not modify these dates without leave of court. The parties shall comply with the Court's standing orders, which are available at <https://cand.uscourts.gov/judges/tigar-jon-s-jst/>.

At to the parties' request, depositions of experts and third parties shall not count against Federal Rule of Civil Procedure 30(a)(2)(A)(1)'s limit of ten depositions per side. Such further deposition discovery, however, shall be "proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit." Fed. R. Civ. P. 26(b)(1).

The tutorial and claim construction hearing shall be directed to United States Patent 6,374,815. The Court will construe Design Patents D522,942 and D570,755 based solely on the papers unless otherwise ordered.

The parties shall meet and confer regarding the format, scope, and content of both the tutorial and the claim construction hearing, including but not limited to the permissible subjects of discussion at each, whether experts will testify, and what audio-visual equipment, if any, will be needed by the parties. They also shall exchange copies of any audio-visual material at least **ten court days** before they intend to use it in court, and shall bring any disputes regarding the format, scope, or content of any tutorial or hearing to the Court's attention at least **five court days** before the tutorial or hearing. The Court will deem as waived any objection raised less than five court

1 days before the tutorial or hearing. The parties shall lodge hard copies of their presentation
2 materials with the Court on the day of the tutorial or claim construction hearing.


3 The Court will reserve no more than one hour on its calendar for the tutorial, including a
4 brief recess. The tutorial will not be reported by a court reporter.

5 At claim construction, the Court will construe only the terms the parties identify in their
6 Joint Claim Construction and Prehearing Statement as “most significant to the resolution of the
7 case up to a maximum of 10.” Patent Local Rule 4-3(c). The Court will reserve no more than 90
8 minutes on its calendar for the claim construction hearing, including a brief recess. The Court
9 prefers that the parties proceed term-by-term, with each party providing its views on each term
10 before moving on to the next. The Court’s use of time limits means that the parties may not have
11 the opportunity to present oral argument on every term they have submitted for construction, and
12 the parties should prioritize their presentations accordingly. Following the issuance of its claim
13 construction order(s), the Court will set a case management conference to establish the remainder
14 of the case schedule.

15 The parties must take all necessary steps to conduct discovery, compel discovery, hire
16 counsel, retain experts, and manage their calendars so that they can complete discovery in a timely
17 manner and appear on the noticed and scheduled dates. All counsel must arrange their calendars
18 to accommodate these dates, or arrange to substitute or associate in counsel who can.

19 **IT IS SO ORDERED.**

20 Dated: August 2, 2022

21 
22 JON S. TIGAR
United States District Judge